IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

J U D G M E N T

Jameel Vs. Jagdish Prasad Joshi

S.B. CIVIL SECOND APPEAL No.212/2006 the judgment & decree dated 20.7.2004 passed by the ADJ No.2, Bundi in Regular First Appeal No.49/2004.

Date of Order ** March 19, 2007

PRESENT
HON'BLE DR. JUSTICE VINEET KOTHARI

Mr. Kamlakar Sharma for the appellant-defendant.
Mr. Rajesh Kala for the respondent-plaintiff.

BY THE COURT:

1. This second appeal is disposed of as not pressed in view of undertaking of defendant-tenant to hand over the peaceful & vacant possession of the suit premises to the plaintiff on or before 31.3.2008 from today with usual conditions given below:-

2. Both the parties agree to dispose of this second appeal on the following terms and conditions:-

1. The appellant undertakes to hand-over the vacant and peaceful possession of the suit premises, in dispute to the respondent on or before 31.3.2008. The respondent shall not execute the impugned decree till 31.3.2008.

2. The appellant undertakes to pay or deposit the entire arrears of mesne profit, if any within a period of one month from today and will further continue to pay the mesne profit by 15th day of the next succeeding month or in advance to the respondent.

3. The appellant further undertakes that he shall not sub-let, assign or part with the possession of the suit premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

4. The appellant shall furnish a written undertaking incorporating the aforesaid conditions in the Lower Court within a period of four weeks from today and one copy thereof along with affidavit in this Court.

5. Learned counsel for respondent landlord will give the details of his bank account number in which the arrears of rent, if any, will be deposited within the period of four weeks.

3. It is made clear that in case, the appellant does not comply with any of the aforesaid conditions, then it will be open for the respondent to get decree passed in his favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

4. With the aforesaid terms, conditions and directions, the second appeal is accordingly dismissed as not pressed.

(Dr. VINEET KOTHARI),J.

VS/